


**DELEGATION OF AUTHORITY
SAFE DRINKING WATER ACT (SDWA)**

Administrative Penalty Actions Not to Exceed \$5,000

1. **AUTHORITY.** Pursuant to Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), the authority to:
 - a. Assess an administrative penalty;
 - b. File a complaint under Section 1414(g)(3)(B) of the SDWA;
 - c. Conduct proceedings, recommend the form of final EPA action, issue subpoenas and perform all the presiding-officer functions set forth in applicable EPA guidance and regulations governing the administration of administrative penalty actions under the SDWA;
 - d. Represent the complainant before a presiding officer in an administrative penalty proceeding under the SDWA;
 - e. Issue an order on consent between EPA and a respondent in an administrative penalty action under the SDWA;
 - f. Act as deciding official in a contested or default administrative penalty action and assess a penalty in that proceeding.
2. **TO WHOM DELEGATED.**
 - a.  The authority in 1.a. and 1.b. is delegated to the Director, Office of Compliance and Enforcement, or equivalent.
 - b. The authorities in 1.c. are delegated to Regional Judicial Officers who meet the neutrality requirements of applicable Agency guidance or regulations, and where a hearing on the record under Section 554 of Title 5 is requested, the authorities are delegated to the Administrative Law Judges.
 - c. The authority in 1.d. is delegated through the Regional Counsel to attorneys in the Office of Regional Counsel.
 - d. The authorities in 1.e. and 1.f. are delegated to Regional Judicial Officers.
 - e. Each person to whom authority is delegated or redelegated retains the

authority.

3. LIMITATIONS. The Regional Administrator or his/her delegatee may exercise the authority in 1.f. only if (1) the delegatee of the Regional Administrator initiated the action and (2) Regional Administrator or his/her delegatee provides the Environmental Appeals Board with a timely copy of the decision in a contested or a defaulted action so that there is an opportunity for a *sua sponte* review.
4. REDELEGATION AUTHORITY.
 - a. The authorities in 1.a. - e. may not be redelegated.
 - b. The authorities in 1.f. may be delegated to the same person exercising the authorities in 1.c. and these authorities may not be redelegated further.
5. SUPERSESSION. This delegation supersedes R10 9-47 (09/22/2005) and any prior delegation of the same authority.
6. ADDITIONAL REFERENCES.
 - a. Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3, as amended by the 1996 SDWA amendments.
 - b. Agency guidance or regulations governing administrative penalty actions under the SDWA.
 - c. Delegation 9-47 (11/07/1997).

8/2/16
Date


Dennis J. McLerran
Regional Administrator